



# House of Representatives

General Assembly

**File No. 552**

*January Session, 2005*

Substitute House Bill No. 6881

*House of Representatives, April 27, 2005*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING NOTIFICATION OF INMATE APPLICATIONS FOR RELEASE OR OTHER RELIEF.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-229 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 Any state's attorney, assistant state's attorney or deputy assistant  
4 state's attorney who desires to be notified whenever an inmate makes  
5 an application to the Board of Pardons and Paroles, Department of  
6 Correction, sentencing court or judge or review division as provided in  
7 section 54-227 may complete and file a request for notification with the  
8 Office of Victim Services or the Victim Services Unit within the  
9 Department of Correction. Such request for notification shall be in such  
10 form and content as the Office of the Chief Court Administrator may  
11 prescribe.

12 Sec. 2. Section 54-227 of the general statutes is repealed and the

13 following is substituted in lieu thereof (*Effective October 1, 2005*):

14 (a) Any inmate who makes an application to the Board of Pardons  
15 and Paroles or Department of Correction for release other than a  
16 furlough from a correctional institution or who applies to the  
17 sentencing court or judge for a reduction in sentence pursuant to  
18 section 53a-39, or who applies to the review division for a review of  
19 sentence pursuant to section 51-195, shall notify the Office of Victim  
20 Services and the Victim Services Unit within the Department of  
21 Correction of such application on a form prescribed by the Office of  
22 the Chief Court Administrator. Notwithstanding any provision of the  
23 general statutes, no such application shall be accepted unless the  
24 applicant has notified the Office of Victim Services and the Victim  
25 Services Unit within the Department of Correction pursuant to this  
26 subsection and provides proof of such notice as part of the application.

27 (b) Any person who files an application with the court to be  
28 exempted from the registration requirements of section 54-251, as  
29 amended by this act, pursuant to subsection (b) or (c) of said section  
30 and any person who files a petition with the court pursuant to section  
31 54-255, as amended by this act, for an order restricting the  
32 dissemination of the registration information or removing such  
33 restriction shall notify the Office of Victim Services and the Victim  
34 Services Unit within the Department of Correction of the filing of such  
35 application or petition on a form prescribed by the Office of the Chief  
36 Court Administrator. Notwithstanding any provision of the general  
37 statutes, no such application or petition shall be considered unless  
38 such person has notified the Office of Victim Services and the Victim  
39 Services Unit within the Department of Correction pursuant to this  
40 subsection and provides proof of such notice as part of the application  
41 or petition.

42 (c) Notwithstanding any provision of the general statutes to the  
43 contrary, the Board of Pardons and Paroles, sentencing court and  
44 sentence review division may make available to the Office of Victim  
45 Services and the Victim Services Unit within the Department of

46 Correction direct access to records in their custody, including  
47 computerized criminal history record information, for the purpose of  
48 performing said office's and department's duties regarding victim  
49 notification.

50 Sec. 3. Section 54-228 of the general statutes is repealed and the  
51 following is substituted in lieu thereof (*Effective October 1, 2005*):

52 (a) Any victim of a crime or any member of an inmate's immediate  
53 family who desires to be notified whenever an inmate makes an  
54 application to the Board of Pardons and Paroles, Department of  
55 Correction, sentencing court or judge or review division as provided in  
56 section 54-227, as amended by this act, or whenever an inmate is  
57 scheduled to be released from a correctional institution other than on a  
58 furlough, may complete and file a request for notification with the  
59 Office of Victim Services or the Victim Services Unit within the  
60 Department of Correction.

61 (b) Any victim of a criminal offense against a victim who is a minor,  
62 a nonviolent sexual offense or a sexually violent offense, as those terms  
63 are defined in section 54-250, or a felony found by the sentencing court  
64 to have been committed for a sexual purpose, as provided in section  
65 54-254, who desires to be notified whenever the person who was  
66 convicted or found not guilty by reason of mental disease or defect of  
67 such offense files an application with the court to be exempted from  
68 the registration requirements of section 54-251, as amended by this act,  
69 pursuant to subsection (b) or (c) of said section or files a petition with  
70 the court pursuant to section 54-255, as amended by this act, for an  
71 order restricting the dissemination of the registration information, or  
72 removing such restriction, may complete and file a request for  
73 notification with the Office of Victim Services or the Victim Services  
74 Unit within the Department of Correction.

75 (c) Such request for notification shall be in such form and content as  
76 the Office of the Chief Court Administrator may prescribe. Such  
77 request for notification shall be confidential and shall remain  
78 confidential while in the custody of the Office of Victim Services and

79 the Department of Correction and shall not be disclosed. It shall be the  
80 responsibility of the victim to notify the Office of Victim Services and  
81 the Victim Services Unit within the Department of Correction of his or  
82 her current mailing address, which shall be kept confidential and shall  
83 not be disclosed by the Office of Victim Services and the Department  
84 of Correction.

85 Sec. 4. Section 54-230a of the general statutes is repealed and the  
86 following is substituted in lieu thereof (*Effective October 1, 2005*):

87 (a) Upon receipt of notice from an inmate pursuant to section 54-  
88 227, as amended by this act, the Victim Services Unit within the  
89 Department of Correction shall notify by certified mail all persons who  
90 have requested to be notified pursuant to subsection (a) of section 54-  
91 228, as amended by this act, and section 54-229, as amended by this  
92 act, whenever such inmate makes application for release or sentence  
93 reduction or review. Such notice shall be in writing and notify each  
94 person of the nature of the release or sentence reduction or review  
95 being applied for, the address and telephone number of the board or  
96 agency to which the application by the inmate was made, and the date  
97 and place of the hearing or session, if any, scheduled on the  
98 application.

99 (b) Upon receipt of notice from a person pursuant to subsection (b)  
100 of section 54-227, as amended by this act, the Victim Services Unit  
101 within the Department of Correction shall notify by certified mail all  
102 persons who have requested to be notified pursuant to subsection (b)  
103 of section 54-228, as amended by this act, whenever such person files  
104 an application with the court to be exempted from the registration  
105 requirements of section 54-251, as amended by this act, pursuant to  
106 subsections (b) or (c) of said section or files a petition with the court  
107 pursuant to section 54-255, as amended by this act, for an order  
108 restricting the dissemination of the registration information, or  
109 removing such restriction. Such notice shall be in writing and notify  
110 each person of the nature of the exemption or of the restriction or the  
111 removal of the restriction being applied for, the address and telephone

112 number of the court to which the application or petition by the person  
113 was made, and the date and place of the hearing or session, if any,  
114 scheduled on the application or petition.

115 (c) Upon compliance with the notification requirements of this  
116 section, the Victim Services Unit within the Department of Correction  
117 shall notify, on a form prescribed by the Office of the Chief Court  
118 Administrator, the board, agency or court to which the application or  
119 petition was made of such compliance.

120 Sec. 5. Subsection (d) of section 54-251 of the general statutes is  
121 repealed and the following is substituted in lieu thereof (*Effective*  
122 *October 1, 2005*):

123 (d) Any person who files an application with the court to be  
124 exempted from the registration requirements of this section pursuant  
125 to subsection (b) or (c) of this section shall, pursuant to subsection (b)  
126 of section 54-227, as amended by this act, notify the Office of Victim  
127 Services and the Victim Services Unit within the Department of  
128 Correction of the filing of such application. The Office of Victim  
129 Services or the Victim Services Unit within the Department of  
130 Correction, or both, shall, pursuant to section 54-230 or 54-230a, as  
131 amended by this act, notify any victim who has requested notification  
132 of the filing of such application. Prior to granting or denying such  
133 application, the court shall consider any information or statement  
134 provided by the victim.

135 Sec. 6. Subsection (c) of section 54-255 of the general statutes is  
136 repealed and the following is substituted in lieu thereof (*Effective*  
137 *October 1, 2005*):

138 (c) Any person who: (1) Has been convicted or found not guilty by  
139 reason of mental disease or defect of a violation of subdivision (1) of  
140 subsection (a) of section 53a-71 between October 1, 1988, and June 30,  
141 1999, and was under nineteen years of age at the time of the offense; (2)  
142 has been convicted or found not guilty by reason of mental disease or  
143 defect of a violation of subdivision (2) of subsection (a) of section 53a-

144 73a between October 1, 1988, and June 30, 1999; (3) has been convicted  
145 or found not guilty by reason of mental disease or defect of a criminal  
146 offense against a victim who is a minor, a nonviolent sexual offense or  
147 a sexually violent offense, between October 1, 1988, and June 30, 1999,  
148 where the victim of such offense was, at the time of the offense, under  
149 eighteen years of age and related to such person within any of the  
150 degrees of kindred specified in section 46b-21; (4) has been convicted  
151 or found not guilty by reason of mental disease or defect of a violation  
152 of section 53a-70b between October 1, 1988, and June 30, 1999; or (5)  
153 has been convicted or found not guilty by reason of mental disease or  
154 defect of any crime between October 1, 1988, and September 30, 1998,  
155 which requires registration under sections 54-250 to 54-258a, inclusive,  
156 and (A) served no jail or prison time as a result of such conviction or  
157 finding of not guilty by reason of mental disease or defect, (B) has not  
158 been subsequently convicted or found not guilty by reason of mental  
159 disease or defect of any crime which would require registration under  
160 sections 54-250 to 54-258a, inclusive, and (C) has registered with the  
161 Department of Public Safety in accordance with sections 54-250 to 54-  
162 258a, inclusive; may petition the court to order the Department of  
163 Public Safety to restrict the dissemination of the registration  
164 information to law enforcement purposes only and to not make such  
165 information available for public access. Any person who files such a  
166 petition shall, pursuant to subsection (b) of section 54-227, as amended  
167 by this act, notify the Office of Victim Services and the Victim Services  
168 Unit within the Department of Correction of the filing of such petition.  
169 The Office of Victim Services or the Victim Services Unit within the  
170 Department of Correction, or both, shall, pursuant to section 54-230 or  
171 54-230a, as amended by this act, notify any victim who has requested  
172 notification pursuant to subsection (b) of section 54-228, as amended  
173 by this act, of the filing of such petition. Prior to granting or denying  
174 such petition, the court shall consider any information or statements  
175 provided by the victim. The court may order the Department of Public  
176 Safety to restrict the dissemination of the registration information to  
177 law enforcement purposes only and to not make such information  
178 available for public access, provided the court finds that dissemination

179 of the registration information is not required for public safety.

180       Sec. 7. (NEW) (*Effective October 1, 2005*) There is established a Victim  
181 Services Unit within the Department of Correction. The duties and  
182 responsibilities of the unit shall include, but not be limited to: (1)  
183 Receiving notices pursuant to section 54-227 of the general statutes, as  
184 amended by this act, from inmates applying for release or sentence  
185 reduction or review, persons applying for exemption from the  
186 registration requirements of section 54-251 of the general statutes, as  
187 amended by this act, and persons filing a petition for an order  
188 restricting the dissemination of registration information or removing  
189 such restriction pursuant to section 54-255 of the general statutes, as  
190 amended by this act, (2) receiving requests for notification from  
191 victims of crime or members of an inmate's immediate family pursuant  
192 to section 54-228 of the general statutes, as amended by this act, and  
193 receiving notices of changes of address from victims pursuant to said  
194 section, (3) receiving requests for notification from prosecuting officials  
195 pursuant to section 54-229 of the general statutes, as amended by this  
196 act, and (4) notifying persons pursuant to section 54-230a of the  
197 general statutes, as amended by this act, who have requested to be  
198 notified pursuant to section 54-228 or 54-229 of the general statutes, as  
199 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	54-229
Sec. 2	<i>October 1, 2005</i>	54-227
Sec. 3	<i>October 1, 2005</i>	54-228
Sec. 4	<i>October 1, 2005</i>	54-230a
Sec. 5	<i>October 1, 2005</i>	54-251(d)
Sec. 6	<i>October 1, 2005</i>	54-255(c)
Sec. 7	<i>October 1, 2005</i>	New section

**JUD**       *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note****State Impact:**

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Correction, Dept.; Judicial Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill is not anticipated to have a fiscal impact on the Department of Correction or the Office of Victim Services, within the Judicial Department. The bill statutorily establishes a Victim Services Unit in the Department of Correction. The bill also provides prosecutors the option of requesting notification from the Victim Services Unit when an inmate applies for release, sentence reduction, or review. Currently prosecutors are only able to receive notification from the Office of Victim Services. In FY 04 there were 904 requests for inmate notification.



**OLR Bill Analysis**

sHB 6881

**AN ACT CONCERNING NOTIFICATION OF INMATE APPLICATIONS FOR RELEASE OR OTHER RELIEF****SUMMARY:**

This bill statutorily establishes a Victim Services Unit in the Department of Correction (DOC). It requires the unit, in instances when DOC is already required to do so, to:

1. receive notices from inmates applying for release or sentence reduction or review;
2. receive notices from people applying for sex offender registration exemptions or for restriction or removal of restriction on dissemination of registration;
3. receive requests for notification from victims or their immediate family members including notices of change of address;
4. notify those who have requested notice; and
5. notify the board, agency, or court when the unit has complied with the notification requirements.

The bill gives prosecutors the option of requesting notification from the unit when an inmate applies for release or sentence reduction or review. Under current law, prosecutors can request notification only from the Office of Victim Services (OVS).

The bill also specifies that the Victim Services Unit, on behalf of DOC, has access to records that the Board of Pardons and Paroles, sentencing court, and sentence review division may make available in order to perform their duties.

EFFECTIVE DATE: October 1, 2005

**BACKGROUND**

***Related Bills***

SB 1280, favorably reported by the Judiciary Committee, requires DOC to notify OVS when an inmate is granted a re-entry furlough.

sHB 6745, favorably reported by the Judiciary Committee, allows OVS and DOC to share up-to-date address information on crime victims with each other.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 37      Nay 0